

# United States District Court

DISTRICT OF

DELAWARE

IOVATE HEALTH SCIENCES U.S.A., INC.,  
IOVATE HEALTH SCIENCES  
INTERNATIONAL, INC., IOVATE T & P,  
INC., FLAMMA SpA,  
and USE TECHNO CORPORATION,

Plaintiff(s),

v.

## SUMMONS IN A CIVIL CASE

CASE NUMBER: 07-

WELLNX LIFE SCIENCES INC (d/b/a NV  
Inc.), NXCARE INC., NX LABS INC.,  
SLIMQUICK LABORATORIES,  
BIOGENETIX, DEREK WOODGATE, and  
BRADLEY WOODGATE,

Defendant(s).

07-286

TO: (Name and address of defendant)

Biogenetix  
c/o Secretary of State  
Division of Corporations  
John G. Townsend Building  
401 Federal Street, Suite 4  
Dover, DE 19901

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Josy W. Ingersoll (No. 1088)  
John W. Shaw (No 3362)  
Karen E. Keller (No. 4489)  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P. O. Box 391  
Wilmington, DE 19899-0391

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MAY 24 2007

CLERK

(BY) DEPUTY CLERK

DATE

PETER T. DALLO

Blaes

| RETURN OF SERVICE   |  |       |
|---|--|-------|
| Service of the Summons and Complaint was made by me <sup>1</sup>  | DATE <u>May 25, 2007</u>                   |       |
| NAME OF SERVER (PRINT)<br><u>Shelly miles</u>   | TITLE <u>Process Server</u>                |       |
| Check one box below to indicate appropriate method of service   |  |       |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: _____<br><br><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____<br><br><input type="checkbox"/> Returned unexecuted: _____<br><br><br><input checked="" type="checkbox"/> Other (specify): <u>Served upon Biogenetix by serving the Secretary of State, Delaware located at 401 Federal Street Dover DE 19901. Service was accepted by Gail Ascione at 1:42 p.m.</u> |  |       |
| STATEMENT OF SERVICE FEES   |  |       |
| TRAVEL  | SERVICES                                   | TOTAL |
| DECLARATION OF SERVER   |  |       |
| I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.  |  |       |
| Executed on <u>5/25/07</u><br>Date  | <u>Shelly miles</u><br>Signature of Server |       |
| <u>15 East North Street Dover DE 19901</u><br>Address of Server   |  |       |

As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.